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13 Attorneys for Defendants  
CITIMORTGAGE, INC.; CITIBANK,  
14 N.A., AND CITIGROUP INC.

15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**

17  
18 MARIA BETANCOURT and PEDRO  
BETANCOURT, individually and on  
19 behalf of all others similarly situated,

20 Plaintiffs,

21 v.

22 CITIMORTGAGE, INC., a New York  
corporation; CITIBANK, N.A., a  
23 national banking association;  
CITIGROUP, INC., a Delaware  
24 corporation; and Does 1-100,

25 Defendants.  
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Case No. 4:10-CV-03168-SBA

**[PROPOSED] ORDER  
GRANTING DEFENDANTS'  
UNOPPOSED MOTION TO  
TRANSFER**

Date:

Time:

Judge: Hon. Sandra B. Armstrong

1                   **ORDER GRANTING DEFENDANTS' UNOPPOSED MOTION TO**  
2   **TRANSFER**

3           This matter is presently before the Court on Defendants CitiMortgage, Inc.,  
4   Citibank, N.A., and Citigroup Inc.'s Unopposed Motion to Transfer to the Central  
5   District of California (the "Motion to Transfer"). The Court finds that instant  
6   motion, which is unopposed by Plaintiffs, may be resolved without oral argument.  
7   Fed.R.Civ.P. 78(b); Civ.L.R. 7-1(a).

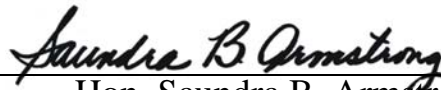
8           Having considered all of the papers and argument submitted in support of  
9   the Motion to Transfer, considering that Plaintiffs do not oppose transfer, and good  
10   cause appearing therefore, the Court rules as follows.

11          "For the convenience of parties and witnesses, in the interest of justice, a  
12   district court may transfer any civil action to any other district or division where it  
13   might have been brought." 28 U.S.C. § 1404(a). In determining whether transfer is  
14   appropriate in a particular case, courts consider private and public factors affecting  
15   the convenience of the forum. Private factors include: (1) the plaintiff's choice of  
16   forum, (2) the convenience of the witnesses and parties, (3) the ease of access to  
17   sources of proof, (4) the respective parties' contacts with the forum, (5) the  
18   contacts relating to the plaintiff's cause of action in the chosen forum, (6) the  
19   differences in the costs of litigation in the two forums, (7) the state that is most  
20   familiar with the governing law, and (8) the availability of compulsory process to  
21   compel attendance of unwilling non-party witnesses. *Jones v. GNC Franchising,*  
22   *Inc.*, 211 F.3d 495, 498-99 (9th Cir. 2000); *Decker Coal Co. v. Commonwealth*  
23   *Edison Co.*, 805 F.2d 834, 843 (9th Cir. 1986). Public factors include court  
24   congestion, local interest in having localized controversies decided at home, the  
25   interest in avoiding unnecessary conflicts of laws, and the interest in trying the  
26   case in a forum familiar with the applicable law. *Id.* at 843. The Court finds that a  
27   transfer of this case to the Central District of California, where the case could have  
28   been originally filed, is appropriate. Due the overlap in legal issues between this

1 case and the *Bernard* and *King* cases and the overlap in the putative classes, it is in  
2 the interests of judicial economy as well as the convenience of the parties and  
3 witnesses that all three cases be heard in the same forum. Accordingly, IT IS  
4 HEREBY ORDERED AS FOLLOWS:

- 5 1. Defendants' Motion to Transfer is GRANTED;
- 6 2. Defendants' Motion to Dismiss is DENIED without prejudice to  
7 renewal in transferee court.
- 8 3. This action shall be TRANSFERRED forthwith to the United States  
9 District Court for the Central District of California, Western Division.

10  
11 Dated: 9/20/10

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14 Hon. Sandra B. Armstrong  
15 UNITED STATES DISTRICT JUDGE  
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**CERTIFICATE OF SERVICE**

I am employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 350 South Grand Avenue, 25th Floor, Los Angeles, California 90071-1503. On September 17, 2010, the following documents were served electronically via the CM/ECF system:

- **[PROPOSED] ORDER GRANTING DEFENDANTS' UNOPPOSED MOTION TO TRANSFER**

The parties who received electronic notice of the filing of the foregoing documents included:

- **Elizabeth Scott Letcher**  
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On September 17, 2010, I served the document listed above by placing true and correct copies thereof in sealed envelopes with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below:

**Maeve Elise Brown**  
**Housing Economic Rights Advocates**  
**1814 Franklin Street, Suite 1040**  
**Oakland, CA 94612**

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice the envelopes would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

1 I declare under penalty of perjury under the laws of the State of California  
2 that the above is true and correct.

3 Executed on September 17, 2010, at Los Angeles, California.  
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